

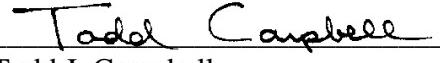
**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA.,)	
)	
)	
Plaintiff,)	
)	
)	
v.)	
)	
)	
SMALL SMILES HOLDING CO., LLC,)	
)	Case No. 3:10-00743
Defendant/Third Party Plaintiff,)	Judge Campbell
)	
)	
v.)	
)	
)	
AFFINITY INSURANCE SERVICES, INC.)	
)	
)	
Third-Party Defendant.)	

ORDER

For the reasons set forth in the accompanying Memorandum, Third-Party Defendant Affinity Insurance Services, Inc.'s Partial Motion to Dismiss (Docket No. 55) is hereby GRANTED IN PART and DENIED IN PART. The Motion is GRANTED with respect to Small Smiles Holding Co. LLC's negligent misrepresentation claim as set forth in Count II of the Third-Party Complaint, but DENIED with respect to the claim under the Tennessee Consumer Protection Act as set forth in Count III.

It is SO ORDERED.



Todd J. Campbell
United States District Judge